

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HOLGER LEMA-YAUCAN,

Petitioner,

-against-

SUPERINTENDENT PHILIP MELECIO,

Respondent.

23-CV-3860 (NSR) (AEK)

ORDER

**ANDREW E. KRAUSE, United States Magistrate Judge:**

On May 8, 2023, Petitioner filed this *pro se habeas corpus* action under 28 U.S.C. § 2254. By order dated May 10, 2023, the Court directed Petitioner, within 30 days, to either pay the \$5.00 filing fee or, to request authorization to proceed *in forma pauperis* (IFP) by submitting a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915. That same day, the Court received Petitioner's \$5.00 payment. On June 12, 2023, the Court received from Petitioner a duplicate payment.

The Clerk of Court is directed to issue a refund of the second \$5.00 payment to Petitioner and to mail it to him at his address of record.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

**SO ORDERED.**

Dated: June 20, 2023  
White Plains, New York



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ANDREW E. KRAUSE  
United States Magistrate Judge